

Policy Statement
for
CONTRACT / PERMIT CONSTRUCTION SAFETY
in the
City of Mesa

I. BACKGROUND:

The construction industry continues to have one of the highest accident rates of any profession across the United States. In past years, the City of Mesa has experienced a number of accidents resulting in serious injuries and/or fatalities to construction workers, motorists, and pedestrians, which were directly related to construction activity.

The City of Mesa is concerned that its construction and maintenance contractors, both those under contract with the City and those doing work in the City right-of-way by permit, may not be fulfilling their obligations to provide a safe working environment for their own workers, the motoring public, and pedestrians. The City is also concerned about the liability which may accrue to the City as a result of the unsafe acts performed by these contractors. However, the law is very clear and the City is proscribed, by the terms of the contract, from controlling the means, methods, and sequences of operations as well as the contractor's safety precautions and programs.

Consequently, the City has developed a Contract/Permit Construction Safety Policy, which is applicable to all contractors performing work within the City's right-of-ways, easements or City owned property. This Policy is in addition to the terms of the contract or permit, does not negate any of the terms of the contract or permit and when there is an apparent conflict between this Policy and the terms of the contract or permit, the strictest rule governs.

NOTE: As used herein, the term "Contractor" shall refer to the prime contractor or the permit holder, if different from the prime contractor. The term "Engineer" shall refer to the City of Mesa City Engineer or his/her designated representative. The "project area" shall refer to the work site on City-owned property or within the City's right-of-way or easements. It also includes the contractor's employee parking area, equipment and materials storage areas, plus that area required for establishment of warning signs, barricades and other traffic control devices.

II. POLICY:

A. General:

It is the City's policy that the responsibility for all aspects of safety within the project area rests with the prime contractor. In order to comply with this policy, the contractor shall:

1. Comply with all Federal and State laws, County and City ordinances, Maricopa Association of Governments (M.A.G.) Uniform Standard Specifications for Public Works Construction, the City Barricade Manual and the terms of the contract or permit;
2. Employ such individuals, with the necessary authority, to develop, implement and maintain the safety precautions and programs required by the laws, ordinances, etc. in paragraph II, A, 1 to protect the Contractor's work force, the motoring public and pedestrians;
3. Obtain and maintain the insurance policies required by the contract or permit; indemnify, defend, and save harmless the City of Mesa and its employees as required by the contract or permit; and report all lost-time accidents and injuries, as well as accidents and incidents involving the general public, and public or private agency employees, to his/her workers and the Risk Management Office (480-644-3330); and
4. Certify in writing to the Engineer, on the contractor's letterhead stationary, that the contractor has read this Policy and will comply with its requirements in full and without reservation.

B. Specific Requirements:

In addition to these general requirements in Section II, A, the contractor is responsible for the following specific requirements when they are applicable to the project:

1. Trench Safety: The contractor shall employ a "competent person" in compliance with the Occupational Safety and Health Administration (OSHA) Standards for the Construction Industry (29 CFR 1926.650(i)) and shall provide the name of that person to the Engineer prior to commencement of excavating. The competent person shall maintain records of the required inspections and shall provide copies of those records when requested by a City Employee.

NOTE: City workers are prohibited from entering an unshored trench five feet or greater in depth. The contractor shall shore, or bench or slope the side walls back to the angles required by the OSHA Standards (Subpart P). Failure of the contractor to comply with this section will result in cancellation of the installation, inspection, or test and may require the contractor to obtain a new permit and/or pay for rescheduling.

2. Confined Spaces: The City has a Confined Spaces Entry Permit Procedure, which is applicable to City employees. In the event of an accident, City of Mesa Fire Department personnel would be required to respond to extricate the victim(s). Consequently the contractor shall develop a Confined Space Entry Procedure (City procedure may be used as a guide) and maintain at the job site the equipment required for safe entry, extraction and communications; and train the workers as to the nature of the hazards involved, necessary precautions to be taken, use of protective and emergency equipment, and procedures for obtaining help.

The contractor shall also secure all confined spaces at the end of the workday to preclude entry by unauthorized personnel. The contractor shall assign a "competent person" to administer their confined spaces program.

3. Traffic Control and Barricades: The contractor shall employ a "designated person" who shall be responsible for ensuring that all barricades, signs, safety fences, safety barriers, barricade lights, signals, and other traffic control devices are established and maintained in strict compliance with the City of Mesa Traffic Barricade Manual and the contract or permit requirements. The designated person shall:
 - a. Inspect all barricading and traffic control devices on a regular, recurring basis and submit a daily (including weekends and holidays) report, in writing, to the Engineer of such inspections the next work day;
 - b. Ensure that existing City-owned traffic signals do not conflict with barricades and signs or give misleading signals to pedestrians and motorists. The contractor shall immediately bring conflicting conditions to the attention of the City Inspector. The Inspector will coordinate with the City's Traffic Signals Group for any required changes to traffic signal sequencing, timing, or outages;
 - c. Ensure that flagmen, when employed, are trained in accordance with the OSHA Regulations (29 CFR 1926.201 Signaling); and
 - d. Immediately respond to all call-outs by the City Inspector, the Stand-by Inspector or City of Mesa Radio Dispatch (Base Operations); cooperate with Police or Fire Department Investigators and/or emergency personnel; and on his/her own responsibility, reestablish barricades and traffic control devices as necessary.

The "designated person" required by this section may be the same as the "competent person" required for trench safety (OSHA Regulations - 29 CFR 1926.650 (i)) provided such person is qualified in accordance with OSHA Regulation (29 CFR 1926.32 (l)) for these duties.

The contractor shall certify, by letter, that he/she has read and will comply with the requirements of the City of Mesa Traffic Barricade Manual. The Safety Certification Letter (paragraph II, A, 4 and this paragraph) must be received by the Engineer prior to start of construction. The Safety Certification should include the name of the "designated person", the name of the "competent person" (if different from the designated), telephone numbers where they can be reached 24 hours per day, and any restrictions or limitations on their duties and authorities.

4. Electric Transmission and Distribution Lines: The contractor shall comply with the provisions of Subpart V - Power Transmission, OSHA Standards and the following specific requirements:
 - a. Underground: The contractor shall use extreme caution when working in the vicinity of any underground electric lines. NOTE: All lines shall be considered lethal regarding electrical shock.

The contractor shall ensure that it, as well as all subcontractors, comply fully with the Arizona Blue Stake Law (A.R.S. Chapter 2, Article 6.3, Sections 40-360.21-.31). The contractor shall call the Blue Stake Center (602-263-1100) prior to any excavation.

The contractor shall ensure that all employees are instructed in the proper methods of excavation in and around any underground utility lines or equipment. The contractor shall not allow an individual to be left unsupervised while excavating in the vicinity of any underground power line for any reason.

The contractor shall notify the electric utility anytime it has uncovered or exposed any underground electric lines. The contractor or its subcontractors shall not under any circumstances open or enter an electric utility vault or manhole. Arrangements shall be made with the electric utility for any work necessary under the contract to move or relocate any electrical underground facilities.

NOTE: The City of Mesa Parks Department is not a member of Blue Stake. The contractor shall contact the Parks Department prior to excavating in a City park or park retention basin.

- b. Overhead: A number of electric utility companies have overhead power lines within the City of Mesa. The contractor shall visually inspect the project site prior to commencement of construction and ascertain which of these agencies have overhead power in the area. The contractor shall contact the serving agency to arrange a meeting on-site to discuss the requirements of the contractor and the utility. The on-site meeting shall include discussions of, but not limited to, the following:

- (1.) Pole bracing
- (2.) Stand-off distances
- (3.) De-energizing or insulating power lines
- (4.) Ground clearance
- (5.) Working or line clearances with utility dispatchers
- (6.) Notification

If the work involves issuance of a license or clearance from the electric utility, the contractor shall comply with the requirements of the license or clearance.

A.R.S. Chapter 2, Article 6.4, Sections 40-360.41-.45 govern safety around high voltage lines. The contractor shall comply with this law or the requirements of the utility company whichever is most stringent.

- 5. Gas Lines: Several natural and nitrogen gas utility companies operate and maintain underground gas lines within the City of Mesa. The contractor shall call the Blue Stake Center (602-263-1100) prior to excavation. The contractor shall ascertain which gas company is responsible for the line in his work area and arrange an on-site meeting to discuss his project.

The contractor shall comply with all necessary safety standards as dictated by the particular job but at no time any less than the minimum Federal Safety Standards (49 CFR 192.615) when working around gas lines.

When working in the vicinity of City of Mesa gas lines, the contractor shall comply with the City of Mesa Gas Procedures Manual. At a minimum, the contractor shall pothole well ahead of its excavation operation, expose the gas line to ascertain its location and elevation, and call (480-644-2754) for a check-and-wrap. The contractor shall not cover the gas line until the City of Mesa Utilities Construction Gas Inspector has inspected it. The contractor shall notify Utility Construction of any interruptions to service and shall not attempt to relight any pilot lights.

Failure to comply with the requirements of this section mandates a report to the Arizona Corporation Commission (A.C.C.). The contractor may be cited by the A.C.C.

6. **Flooding:** There is a potential for flooding, particularly of streets, easements, parks, etc. in many parts of Mesa. Flooding of streets is particularly hazardous to motorists and shall be avoided whenever possible. Consequently, the contractor shall protect its work from flooding and shall not, by its means, methods, or sequence of operations, increase the flood potential or severity either in the public right-of-way, easement, City property or on private property.
7. **Hazardous Materials:** "Hazardous materials" means a substance which, by reason of being explosive, radioactive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury. The contractor shall properly dispose of all hazardous material in accordance with EPA and ADEQ guidelines and shall not dispose of hazardous material in the City's sanitary or storm sewer system (A.R.S. 49-261-263 and 49-023-925).

In the event of an accidental spill, the contractor shall notify the Fire Department by the most expeditious means possible (dial 911). The contractor shall attempt to contain the spill, prevent it from entering the storm sewer system or natural drainage, and cooperate with the Fire Department in mitigating the damage and protecting the public.

8. **Miscellaneous:** The following miscellaneous safety practices involving contract construction are designed to provide a measure of protection to the public:
 - a. **Street Lights:** Through the construction, a close approximation of the existing level of illumination must be maintained. If the project involves installing new streetlights and removing the old, the existing street lights shall not be removed until the new lights are energized. The old street lights shall not be de-energized without the express consent of the Street Light Systems Supervisor. Pole base excavations shall be suitably covered and barricaded with lighted barricades until concrete is poured and shall remain barricaded until the pole is erected. NOTE: The contractor or its subcontractor shall notify the electric utility during the removal or erection of any street light poles in the immediate vicinity of any overhead power lines. (See paragraph II, B, 4, b above.)
 - b. **Traffic Signals:** Existing traffic signals shall remain in service during construction unless the plans specifically require otherwise or the express consent has been given by the Signal Systems Supervisor. Traffic signal base excavations shall be covered and barricaded until the concrete is poured and shall remain barricaded until the pole is erected.

- c. Repairs to curbs, gutters, sidewalks, and driveways: To eliminate tripping hazards, the contractor shall be required to remove and replace any concrete which has displaced vertically 1/4 inch or more. The contractor shall also remove and replace any existing concrete, which has been cracked or broken during, and due to, the contractor's operation whether it has displaced vertically or not.
- d. Water valves and fire hydrants: Except in emergencies, the contractor shall not turn any valves that are a part of the City's system or inter-tie valves between the City system and the new installation. Newly installed fire hydrants and out-of-service fire hydrants will be denoted by an Out-of-Service ring. The ring will be installed by the inspector and shall not be removed until directed by the inspector.
- e. Emergency Access: The contractor shall at all times maintain access to all medical treatment facilities in the project area. The contractor shall also maintain, in good, all weather condition, access to all parts of the project area to permit ambulances and fire rescue vehicles to ingress and egress.
- f. Potential Hazardous Energy Sources: Hazardous Energy Sources include but are not limited to electrical, pneumatic, hydraulic, gas, and water pressure. Contractors shall have a program and procedures that meet the needs of their particular work. This program shall require energy control procedures to be used to control potentially hazardous energy sources whenever workers perform activities covered by this program. The Contractor shall inform the City of Mesa of their work on potentially hazardous energy sources, and ensure that his/her personnel understand and comply with requirements of the Contractor's program and procedures.

This policy shall become effective this 29 Day of September, 1999.

s/ Jack Friedline

Jack FRIEDLINE
Public Works Manager

s/ Keith Nath

Keith NATH
City Engineer